

PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/867,193
Filing Date	May 29, 2001
First Named Inventor	ADAMS et al.
Group Art Unit	1634
Examiner Name	Chakrabarti, A.
Attorney Docket Number	GP100-03.CN1

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 18, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Attached
- i. ☒ Submission Under 37 C.F.R. § 1.114
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (2 p.); Form PTO/SB/08 (2 p. in dup.) & Copies of Cited Refs. (59 p.)
- iv. ☒ Other Fee Transmittal for FY 2002 (1 p. in duplicate, 2 p. total)

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

**3. Fees**

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$\_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

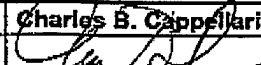
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print Type)	Charles B. Cappellari	Registration No. (Attorney/Agent)	40,937
Signature		Date	June 25, 2002

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence (and any referred to as attached) is being sent by facsimile to 703-872-9307 on the date indicated below to Box RCE, Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: June 25, 2002

Name (Print Type)	Charles B. Cappellari	Date	June 25, 2002
Signature			

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FROM-GEN-PROBE EXECUTIVE OFFICE

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T-996

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GROUP 1600

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If you have received this communication in error, please notify Gen-Probe immediately by telephone and return the original message to us at the below-indicated address via regular U.S. mail. Thank you.

**FROM:** Charles B. Cappellari  
Gen-Probe Incorporated  
Patent Department  
10210 Genetic Center Drive  
San Diego, California 92121  
Phone No. (858) 410-8927  
Facsimile No. (858) 410-8928

**TO:** Examiner: Chakrabarti, A.  
Group 1634  
  
Box RCE  
U.S. Patent & Trademark Office  
Facsimile No. (703) 872-9307

**Number of pages (including this cover page): 75**

In re Patent Application of:	)	Group Art Unit: 1634
	)	
ADAMS <i>et al.</i>	)	Examiner: Chakrabarti, A.
	)	
Serial No. 09/867,193	)	Confirmation No. 7798
	)	
Filed: May 29, 2001	)	Atty. Docket No. GP100-03.CN1
	)	
Title: DECOY PROBES	)	Date: June 25, 2002

Transmitted herewith:

1. Fee Transmittal for FY 2002 (1 pg. in duplicate, 2 pgs. total);
2. Request for Continued Examination (RCE) Transmittal (1 pg.);
3. Submission Under 37 C.F.R. § 1.114 (6 pgs.);
4. Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b)(4) (2 pgs.);
5. Form PTO/SB/08 (2 pgs. in duplicate, 4 pgs. total); and
6. Copies of Cited References (59 pgs.).

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Date: June 25, 2002

By: 

Charles B. Cappellari, Reg. No. 40,937

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FROM-GEN-PROBE EXECUTIVE OFFICE

8584108922

T-996 P.02

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JUN 26 2002

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GROUP 1600

PTO/BB/17 (10-01)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)

740.00

## Complete if Known

Application Number	09/867,193
Filing Date	May 29, 2001
First Named Inventor	ADAMS et al.
Examiner Name	Chakrabarti, A.
Group Art Unit	1634
Attorney Docket No.	GP100-03.CN1

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

07-0835

Deposit  
Account  
Name

Gen-Probe Incorporated

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money  
Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

0

## 2. EXTRA CLAIM FEES

Claims	Previously Pending	Fee For Extra Claims	Fee from below	Fee Paid
Total Claims	24	-24** =	0	0
Independent Claims	2	-3** =	0	0
Multiple Dependent				

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

Fee Code	Large Entity (\$)	Small Entity (\$)	Fee Code	Large Entity (\$)	Small Entity (\$)	Fee Description	Fee Paid
105	130	205	65			Surcharge - late filing fee or oath	
127	50	227	25			Surcharge - late provisional filing fee or cover sheet	
139	130	139	130			Non-English specification	
147	2,520	147	2,520			For filing a request for ex parte reexamination	
112	920*	112	920*			Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*			Requesting publication of SIR after Examiner action	
115	110	215	55			Extension for reply within first month	
116	400	216	200			Extension for reply within second month	
117	920	217	460			Extension for reply within third month	
118	1,440	218	720			Extension for reply within fourth month	
128	1,960	228	980			Extension for reply within fifth month	
119	320	219	160			Notice of Appeal	
120	320	220	160			Filing a brief in support of an appeal	
121	280	221	140			Request for oral hearing	
138	1,510	138	1,510			Petition to institute a public use proceeding	
140	110	240	55			Petition to revive - unavoidable	
141	1,280	241	640			Petition to revive - unintentional	
142	1,280	242	640			Utility issue fee (or reissue)	
143	450	243	230			Design issue fee	
144	620	244	310			Plant issue fee	
122	130	122	130			Petitions to the Commissioner	
123	50	123	50			Processing fee under 37 CFR 1.17(q)	
126	180	126	180			Submission of Information Disclosure Stmt	
581	40	581	40			Recording each patent assignment per property (times number of properties)	
145	740	245	370			Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370			For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370			Request for Continued Examination (RCE)	740
169	900	169	900			Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

740

## SUBMITTED BY

Name (Print/Type)

Charles B. Cappellari

Registration No.  
(Attorney/Agent)

40,937

## Complete (if applicable)

Telephone

(858) 410-8927

Signature

Date

June 25, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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